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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,910	10/06/2003	Larry Essad	45374.1.3	3825

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EXAMINER	
PARSLEY, DAVID J	
ART UNIT	**PAPER NUMBER**
3643	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 10/679,910	**Applicant(s)** ESSAD ET AL.
	Examiner David J Parsley	**Art Unit** 3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *10-6-03*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

Specification

1. The disclosure is objected to because of the following informalities: on page 17 line 16 reference numeral "40" is not in the drawing figures.

On page 19 lines 5 and 6, reference numeral "55" is not in the drawings.

On page 19 line 21, reference numeral "68" is not in the drawings.

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 40, 55 and 68. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The percentages of the components added together to comprise the semielastic alloy can add up to more than 100% in that the titanium can be 49%, the nickel 42% and the other metals 10% which gives a total of 101% and further the claim states that the other metals are to be from 8-10% with copper capable of 7.5%, iron capable of 3% and chromium capable of 2% which totals 12.5%. Therefore it is unclear to what percentages of the metals are to be in that there is a possibility that the percentages add up to more than is claimed.

Claims 2-20 depend from rejected claim 1 and include all of the limitations of claim 1 thereby rendering these dependent claims indefinite.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,266,914 to Johnson et al. or U.S. Statutory Invention Registration No. H1,865 to Aoki in view of JP Patent No. 3-146629.

Referring to claim 1, Johnson et al. and Aoki disclose a shape retaining fishing lure comprising an elongated flexible, shape-retaining wire body – at 12a-16a or 54 of Johnson et al. and – 12a or 32-34 or 80-82 of Aoki, having a predetermined configuration and being formed of a semielastic alloy – see for example column 13 lines 20-35 of Johnson et al. and column 3 lines 5-10 of Aoki, the alloy having a transition temperature below 10 degrees C – the transition temperature below 10 degrees C is inherent in that it is a common material property of shape memory alloys to have a transition temperature below 10 degrees C (see the references cited below), and semielastic properties to enable the wire body to elastically regain its predetermined configuration after being deformed with Johnson et al. disclosing the shape memory alloy comprises nickel, titanium and chromium, a fish hook – 20 or 68 of Johnson et al. and – 28 or 58 or 90 of Aoki, operatively attached to a first end of the wire body and at least one fish attracting element – 28a,36a,40a or 60,62,66 of Johnson et al. and 20,25 or 50,51 or 76,79,86,88 of Aoki, attached to the wire body between the fish hook and a second end of the wire body, and attachment means – at 12,12a or 56 of Johnson et al. and – 14 or 34 or 80 of Aoki, carried by the wire for attaching the lure to a fishing line or leader. Johnson et al. and Aoki do not disclose the semielastic alloy comprises nickel not greater than 42 percent, chromium about less than 2 percent, titanium between 45-49 percent, copper between 5.5-7.5 percent and iron between 1-3 percent. The Japanese patent does disclose a semielastic alloy comprising nickel not greater than 42 atomic percent, chromium less than 2 percent titanium between 45-49 percent copper between

5.5-7.5 percent and iron between 1-3 percent– see the English abstract. Therefore it would have been obvious to one of ordinary skill in the art to take the fishing lure of Johnson et al. or Aoki and add the semielastic alloy of the Japanese patent, so as to reduce the wear of the moving parts, which are in contact with the wire and to restore the wire to its original shape upon flexing.

Referring to claim 3, Johnson et al. and Aoki as modified by the Japanese patent further disclose the wire body – 54 of Johnson et al. and – 12a of Aoki has a substantially straight predetermined configuration.

Referring to claim 4, Johnson et al. and Aoki as modified by the Japanese patent further disclose the wire body – 12a-16a of Johnson et al. and 32-34 or 80-82 of Aoki, has a center portion permanently bent back upon itself to form two legs – 14a,16a of Johnson et al. and 32,33 or 82 of Aoki, defining a bight – 12a of Johnson et al. and 34 or 80 of Aoki, with the legs diverging therefrom, the bight having an upper portion and a lower portion formed by bending the wire body through an angle that exceeds 180 degrees, the legs having confronting, substantially engaging surfaces at the mouth of the bight, the substantially engaging surfaces allowing generated forces upon the lure to be transmitted from one leg to the other through the substantially engaging surface rather than involving significant elastic movement of the loop – see figure 2 of Johnson et al. and figures 3-5 of Aoki.

Referring to claim 5, Johnson et al. and Aoki as modified by the Japanese patent further disclose the substantially engaging surfaces are planar to restrain such surfaces from slipping past each other as the wire body is flexed – see for example figure 2 of Johnson et al. and figures 3-5 of Aoki.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. as modified by the Japanese patent as applied to claim 1 above. Johnson et al. as modified by the Japanese patent further discloses a leader – 80 including a core body – at 88 or 90 having a straight length of the shape memory semielastic alloy, the body having attachment loops – at 86 at each end of the core body so as to fasten the leader to the fishing line – 82 and the lure – at 84 – see for example figures 11,12,12a of Johnson et al.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki as modified by the Japanese patent as applied to claim 1 above, and further in view of Johnson et al. Aoki as modified by the Japanese patent does not disclose a leader including a core body having a straight length of the shape memory semielastic alloy, the body having attachment loops at each end of the core body so as to fasten the leader to the fishing line and the lure. Johnson et al. discloses a leader – 80 including a core body – at 88 or 90 having a straight length of the shape memory semielastic alloy, the body having attachment loops – at 86 at each end of the core body so as to fasten the leader to the fishing line – 82 and the lure – at 84 – see for example figures 11,12,12a. Therefore it would have been obvious to one of ordinary skill in the art to take the lure of Aoki as modified by the Japanese patent and add the fishing leader of Johnson et al., so as to increase the strength of the connection between the fishing line and the lure.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. or Aoki as modified by the Japanese patent as applied to claim 4 above, and further in view of U.S. Patent No. 5,355,612 to Smith.

Referring to claim 6, Johnson et al. as modified by the Japanese patent and Aoki as modified by the Japanese patent do not disclose the center portion is bent such that the bight consists of a generally R-shaped loop. Smith does disclose the center portion – at J is bent such that the bight consists of a generally R-shaped loop – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson et al. as modified by the Japanese patent or Aoki as modified by the Japanese patent and add the bight being R-shaped of Smith, so as to allow for the fishing lure elements attached to the legs to have sufficient space between themselves so as to not interfere with one another.

Referring to claim 7, Johnson et al. as modified by the Japanese patent and Smith and Aoki as modified by the Japanese patent and Smith further disclose each leg – 5,9 and 7,11 is bent away from the other at the mouth of the bight, the minimum radius of curvature of the bend of one leg – 5,9 being substantially greater than that of the other leg – 7,11 – see for example figure 1 of Smith.

Referring to claim 8, Johnson et al. as modified by the Japanese patent and Aoki as modified by the Japanese patent do not disclose the minimum radius of curvature of the one leg is at least twice that of the other leg. Smith discloses the minimum radius of curvature of the one leg – 5,9is at least twice that of the other leg – 7,11 – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson et al. as modified by the Japanese patent or Aoki as modified by the Japanese patent and add the bight being R-shaped of Smith, so as to allow for the fishing lure elements attached to the legs to have sufficient space between themselves so as to not interfere with one another.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. or Aoki as modified by the Japanese patent as applied to claim 5 above, and further in view of U.S. Patent No. 4,044,491 to Potter, U.S. Patent No. 4,229,899 to McGahee or U.S. Patent No. 5,989,266 to Foster.

Referring to claim 9, Johnson et al. as modified by the Japanese patent and Aoki as modified by the Japanese patent further disclose a wire body forming the engaging surfaces – see figure 2 of Johnson et al. and figures 3-5 of Aoki. Johnson et al. as modified by the Japanese patent and Aoki as modified by the Japanese paten do not disclose the wire is rectangular in cross section. Potter, McGahee and Foster do disclose a wire – at 22 of Potter and – at 2-5 of McGahee and at – 20,26 of Foster being rectangular in cross section – see for example column 4 lines 7-15 of Potter and column 2 lines 40-60 and column 6 lines 1-2 of Foster. Therefore it would have been obvious to one of ordinary skill in the art to take the lure of Johnson et al. as modified by the Japanese patent or Aoki as modified by the Japanese patent and add the rectangular wire of Potter, McGahee or Foster, so as to allow for the device to be more lightweight in that a flat wire is used while maintaining strength and durability.

Referring to claim 11, Johnson et al. as modified by the Japanese patent and either of Potter, McGahee and Foster or Aoki as modified by the Japanese patent and either of Potter, McGahee and Foster further disclose the rectangular cross-section is defined by two pairs of parallel opposing sides of unequal width, the sides of lesser width defining the engaging surfaces – see for example figures 1-4 and column 4 of Potter and figure 1 and column 2 of McGahee and figure 1 and columns 5-6 of Foster.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. as modified by the Japanese patent or Aoki as modified by the Japanese patent as applied to claim 5 above, and further in view of U.S. Patent No. 5,989,266 to Foster. Johnson et al. as modified by the Japanese patent and Aoki as modified by the Japanese patent further disclose a wire body forming the engaging surfaces – see figure 2 of Johnson et al. and figures 3-5 of Aoki. Johnson et al. as modified by the Japanese patent and Aoki as modified by the Japanese patent do not disclose the wire is triangular in cross section. Foster does disclose a wire – at 20,26 made of a shape memory alloy being triangular in cross section – see for example column 5 lines 58-67 and column 6 lines 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the lure of Johnson et al. as modified by the Japanese patent or Aoki as modified by the Japanese patent and add the triangular wire of Foster, so as to allow for the device to be more lightweight in that a triangular wire is shaped semicircular in cross section and thus has less cross-sectional area, while maintaining strength and durability.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. or Aoki in view of Smith and in view of the Japanese patent.

Referring to claim 12, Johnson et al. and Aoki disclose a shape retaining fishing lure comprising, an elongated, flexible, shape retaining wire body – at 12a-16a of Johnson et al. and 32-34 or 80-82 of Aoki, the wire body being formed of a shape memory semielastic alloy having a transition temperature below about 10 degrees C to enable the wire body to elastically regain a predetermined configuration after being deformed - the transition temperature below 10 degrees C is inherent in that it is a common material property of shape memory alloys to have a transition temperature below 10 degrees C (see the references cited below), the body having a substantially closed bight – at 12a of Johnson et al. and – 34 or 80 of Aoki, adapted for attachment to a fishing line and formed by permanently bending the wire back upon itself through an angle that exceeds 180 degrees to form first and second divergent legs – 14a and 16a of Johnson et al. and – 32,33 or 82 of Aoki, extending from a top and a bottom end of the bight, a fish hook – 20 of Johnson et al. and 58 or 90 of Aoki, operatively attached to the first leg at least one fish attracting element – at 32a 36a and 40a of Johnson et al. and – 40 or 72,76,79 of Aoki attached to the second leg, whereby downward force generated on the lure as it is pulled through the water is distributed on the bottom end of the loop so that the loop remains substantially closed, and Johnson et al. discloses the semielastic alloy comprises nickel, chromium and titanium.

Johnson et al. and Aoki do not disclose the bight is R-shaped. Smith does disclose the bight – at J is R-shaped – see figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson et al. or Aoki and add the bight being R-shaped of Smith, so as to allow for the fishing lure elements attached to the legs to have sufficient space between themselves so as to not interfere with one another.

Johnson et al. and Aoki further do not disclose the semielastic alloy comprises not greater than 42 percent nickel, less than 2 percent chromium 45-49 percent titanium 5:5-7.5 percent copper and 1-3 percent iron. The Japanese patent does disclose the semielastic alloy comprises not greater than 42 percent nickel, less than 2 percent chromium 45-49 percent titanium 5.5-7.5 percent copper and 1-3 percent iron – see the English abstract. Therefore it would have been obvious to one of ordinary skill in the art to take the fishing lure of Johnson et al. or Aoki and add the semielastic alloy of the Japanese patent, so as to reduce the wear of the moving parts, which are in contact with the wire.

Referring to claim 13, Johnson et al. as modified by the Japanese patent and Smith and Aoki as modified by the Japanese patent and Smith further disclose the first divergent leg – at 14a of Johnson et al. and 5,9 of Smith includes a first length – the portion of item 14a outside body portion 18a of Johnson et al. and - 9 of Smith and a second length – the portion of 14a inside body – 18a of Johnson et al. and – 5 of Smith, the second length extending at an angle of about 45 degrees from the first length – see for example figure 2 of Johnson et al. and figure 1 of Smith.

Claims 14, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. or Aoki in view of either Potter, McGahee or Foster. Johnson et al. and Aoki disclose a shape retaining fishing lure comprising, an elongated flexible, shape retaining wire body at 12a-16a of Johnson et al. and 32-34 or 80-82 of Aoki, the wire body being formed of a shape memory alloy having a transition temperature below about 10 degrees C to enable the wire body to elastically regain a predetermined configuration after being deformed - the transition temperature below 10 degrees C is inherent in that it is a common material property of shape memory alloys to have a transition temperature below 10 degrees C (see the references cited below), the body having a substantially closed bight – at 12a of Johnson et al. and – 34 or 80 of Aoki, to which may be attached a fishing line and that is formed by permanently bending the wire back upon itself through an angle that exceeds 180 degrees to form first and second divergent legs -14a and 16a of Johnson et al. and – 32,33 or 82 of Aoki , the legs having substantially engaging confronting surfaces adjacent the bight, a fish hook – 20 of Johnson et al. and – 58 or 90 of Aoki, attached to the first leg and at least one fish attracting element - at 32a 36a and 40a of Johnson et al. and – 40 or 72,76,79 of Aoki, attached to the second leg and whereby the confronting surfaces engage each other when the lure is pulled through the water to rigidify the lure, the confronting surfaces restraining the legs from sliding past each other – see for example figure 2 of Johnson et al. and figures 3-5 of Aoki. Johnson et al. and Aoki do not disclose the confronting surfaces are flat. Potter, McGahee and Foster do disclose the confronting surfaces at – 27,28 of Potter and – at 3-5 of McGahee and – 20,26 of Foster are flat – see for example column 4 lines 7-15 of Potter and column 2 lines 40-60 and column 6 lines 1-2 of Foster. Therefore it would have been obvious to one of ordinary skill in the art to take the lure of Johnson et al. or Aoki and add the rectangular wire of Potter, McGahee or Foster, so as to allow for the device to be more lightweight in that a flat wire is used while maintaining strength and durability.

Referring to claim 17, Johnson et al. as modified by either of Potter, McGahee and Foster and Aoki as modified by either of Potter, McGahee or Foster further disclose a wire – at 22 of Potter and – at 2-5 of McGahee and at – 20,26 of Foster being rectangular in cross section – see for example column 4 lines 7-15 of Potter and column 2 lines 40-60 and column 6 lines 1-2 of Foster.

Referring to claim 19, Johnson et al. as modified by either of Potter, McGahee and Foster and Aoki as modified by either of Potter, McGahee or Foster further disclose the rectangular cross-section is defined by two pairs of parallel opposing sides of unequal width, the sides of lesser width defining the engaging surfaces – see for example figures 1-4 and column 4 of Potter and figure 1 and column 2 of McGahee and figure 1 and columns 5-6 of Foster. Therefore it would have been obvious to one of ordinary skill in the art to take the lure of Johnson et al. or Aoki as modified by the German patent and add the rectangular wire of Potter, McGahee or Foster, so as to allow for the device to be more lightweight in that a flat wire is used while maintaining strength and durability.

Referring to claim 20, Johnson et al. as modified by either of Potter, McGahee and Foster and Aoki as modified by either of Potter, McGahee or Foster further disclose the wire body, where bent to from the bight lies in a plane, and wherein the confronting surfaces are perpendicular to the plane – see figure 2 of Johnson et al., figures 3-5 of Aoki, figure 1 of Potter, McGahee and Foster.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. as modified by either of Potter, McGahee or Foster and Aoki as modified by either of Potter, McGahee or Foster as applied to claim 14 above, and further in view of the DE Pat No. 2106687. Johnson et al. as modified by either of Potter, McGahee or Foster and Aoki as modified by either of Potter, McGahee or Foster do not disclose the shape memory superelastic alloy comprises not greater than about 20 percent nickel, about thirty chromium and the remainder titanium. The German patent discloses the shape memory superelastic alloy comprises not greater than about 20 percent nickel, about thirty percent chromium and the remainder titanium – see the English abstract. Therefore it would have been obvious to one of ordinary skill in the art to take the fishing lure of Johnson et al. as modified by either of Potter, McGahee or Foster or Aoki as modified by either of Potter, McGahee or Foster and add the superelastic alloy of the German patent, so as to reduce the wear of the moving parts, which are in contact with the wire.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. as modified by either of Potter, McGahee or Foster and Aoki as modified by either of Potter, McGahee or Foster as applied to claim 17 above, and further in view of Smith. Johnson et al. as modified by either of Potter, McGahee or Foster and Aoki as modified by either of Potter, McGahee or Foster does not disclose the closed bight consists of a generally R-shaped loop.

Smith discloses the bight – at J is a R-shaped loop – see figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson et al. as modified by either of Potter, McGahee or Foster or Aoki as modified by either of Potter, McGahee or Foster and add the bight being R-shaped of Smith, so as to allow for the fishing lure elements attached to the legs to have sufficient space between themselves so as to not interfere with one another.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. as modified by either of Potter, McGahee or Foster and Aoki as modified by either of Potter, McGahee or Foster as applied to claim 14 above, and further in view of the Japanese patent. Johnson et al. as modified by either of Potter, McGahee or Foster and Aoki as modified by either of Potter, McGahee or Foster do not disclose the shape memory superelastic alloy comprises a semielastic alloy comprising 45-49 percent titanium, not more than 42 percent nickel, about 5.5-7.5 percent copper 1-3 percent iron and less than 2 percent chromium. The Japanese patent does disclose the shape memory superelastic alloy comprises a semielastic alloy comprising 45-49 percent titanium, not more than 42 percent nickel, about 5.5-7.5 percent copper 1-3 percent iron and less than 2 percent chromium – see the English abstract. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Johnson et al. as modified by either of Potter, McGahee or Foster and Aoki as modified by either of Potter, McGahee or Foster and add the semielastic alloy of the Japanese patent, so as to reduce the wear of the moving parts, which are in contact with the wire and to restore the wire to its original shape upon flexing.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to shape memory alloys and fishing lures in general:

U.S. Pat. No. 3,987,576 to Strader – shows lure with flexible wire element
U.S. Pat. No. 4,144,057 to Melton et al. – shows alloy with titanium and nickel
U.S. Pat. No. 6,165,292 to Abrams et al. – shows alloy of titanium and nickel
U.S. Pat. No. 6,533,905 to Johnson et al. – shows alloy of titanium and nickel
WO Pat. No. 98/24309 – shows spinner bait with shape memory alloy
JP No. 10-210889 – shows lure with shape memory alloy
JP Pat. No. 2002-191258 – shows lure with shape memory alloy

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP
David Parsley
Patent Examiner
Art Unit 3643

PETER M. POON
SUPERVISORY PATENT EXAMINER
11/18/04